

FILED  
ASHEVILLE, N.C.  
OCT 25 2021  
U.S. DISTRICT COURT  
W. DIST. OF N.C.

## UNITED STATES DISTRICT COURT

for the

Western District of North Carolina  
Asheville Division

JOHNNIE R. SIMMONS JR.

## Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Doug Mcmillion,  
Walmart Inc., Walmart Store

## Defendant(s)

No. 1034

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

1:21 cv 318

(to be filled in by the Clerk's Office)

Jury Trial: (check one)

Yes  No

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

JOHNNIE R. SIMMONS JR.

Street Address

5764 S. Ottawa Rd.

City and County

Virginia Independent City

State and Zip Code

Virginia Beach, VA 23462

Telephone Number

757-343-5561

E-mail Address

BonafideDenzil@gmail.com

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name  
Job or Title (*if known*)  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address (*if known*)

Walmart Inc., Walmart Store No. 1034  
CORPORATION  
705 E. DIXON Boulevard  
Shelby, Cleveland County  
North Carolina 28152  
704-484-0021  
Help@Walmart.com

Defendant No. 2

Name  
Job or Title (*if known*)  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address (*if known*)

Walmart Store Walmart Inc.  
Corporate Headquarters  
702 SW 8th Street Benton County  
Bentonville, ARKANSAS 72716  
Bentonville, ARKANSAS 72716  
479-273-4000  
Help@Walmart.com

Defendant No. 3

Name  
Job or Title (*if known*)  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address (*if known*)

Doug McMillion  
President/CEO  
702 SW 8th Street  
Bentonville Benton County  
Bentonville ARKANSAS, 72716  
479-273-4000  
Help@Walmart.com

Defendant No. 4

Name  
Job or Title (*if known*)  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address (*if known*)

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

Federal question  Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

Hate Crime List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.  
18 USC § 249 Civil Rights Violations 42 USC § 1983, 1985,  
and 1988 Civil Rights Act of 1964 USC § 2000d Et. Seq.

The Hate Crime Statistics Act of 1990 28 USC § 534

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

**1. The Plaintiff(s)**

a. If the plaintiff is an individual

The plaintiff, (name) \_\_\_\_\_, a citizen of the  
State of (name) \_\_\_\_\_.

b. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_, is incorporated  
under the laws of the State of (name) \_\_\_\_\_,  
and has its principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)**

a. If the defendant is an individual

The defendant, (name) \_\_\_\_\_, is a citizen of  
the State of (name) \_\_\_\_\_, Or is a citizen of  
(foreign nation) \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) Walmart Inc., is incorporated under the laws of the State of (name) North Carolina (Shelby) and has its principal place of business in the State of (name) Bentonville Arkansas. Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

III. Statement of Claim

Plaintiff is entitled to relief for Premises Liability and Discrimination and Violation of Civil and Constitutional Rights,

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Walmart employees profiled and had plaintiff assaulted and unlawfully detained and held against his will accusing the patron of shoplifting and injuring him permanently, Walmart discriminated against plaintiff telling him they did not want him in their store after incident. Then threatened plaintiff's life and gave no apology.

IV. Relief

This was a hate crime.

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff seeks \$5 million in Damages for compensatory damages, punitive damages, monetary, damages, general, special damages,

**V. Certification and Closing**

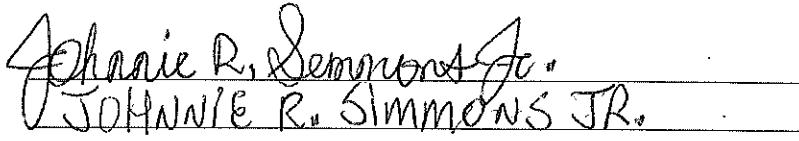
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10-20-21

Signature of Plaintiff



Printed Name of Plaintiff

JOHNNIE R. SIMMONS JR.

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

\_\_\_\_\_

Printed Name of Attorney

\_\_\_\_\_

Bar Number

\_\_\_\_\_

Name of Law Firm

\_\_\_\_\_

Street Address

\_\_\_\_\_

State and Zip Code

\_\_\_\_\_

Telephone Number

\_\_\_\_\_

E-mail Address

\_\_\_\_\_

① IN THE UNITED STATES DISTRICT COURT 10-20-21  
FOR the WESTERN DISTRICT OF NORTH CAROLINA  
Asheville Division

JOHNNIE R. SIMMONS JR.,  
PRO'Se Plaintiff

Demand \$5 million

Civil action No. \_\_\_\_\_

Jury Demanded

VS.  
Doug Mcmillon,  
Walmart, Store Dixon Blvd,  
Shelby, N.C. And Jane Doe  
Employee, Walmart Inc.

Plaintiff's Original Complaint and Request  
for Jury Trial

To the Honorable Judge of Said Court.

Plaintiff Johnnie Simmons appears pro se litigant in  
this case. Plaintiff Johnnie Simmons (hereinafter "Johnnie")  
file this original complaint and request for jury trial  
for the following reasons:

I

Brief Statement of Case

Plaintiff is a Black man. Johnnie is 55 years old and  
was traveling to Virginia from North Carolina when he  
stopped at Wal-Mart on Dixon Blvd in Cleveland County  
aka Shelby, N.C. Johnnie was at the Wal-Mart to pick up

② A Money Transfer From his Brother-in-Law David PORTER Which was Sent to Him and "Johnnie" Bought Food and Sat and ate in the Wal-mart and Also, Bought and Loaded a Debit Card and Booked A TRIP With megaBus From Charlotte, N.C. To Richmond, VA, and Richmond, VA, To Hampton, VA.

"Johnnie" Occasionally Shopped at this Walmart store, No. 1034 located at 705 E. Dixon Blvd. in Shelby, North Carolina 28152. ON November 23, 2018 after "Johnnie" had Patronized This Walmart Which he did Regularly he bought A Soda and Rolled his Suitcase that he also purchased from the Walmart to the front of the store. While "JOHNNIE" Was looking in his Suitcase A Walmart employee was Sitting in a massage chair (Jane Doe, Walmart employee) And Asked "Johnnie" Why was he looking in his bag and he'd Better "watch that digging in that bag like that." "JOHNNIE" Replied "Everything in the Bag Belongs to me, Why Can't I look in my own Suitcase?" "Jane Doe" (Walmart Employee) Then Said "Well you better Watch that man Right There" (Extending her arm pointing and Signaling for the Police) Nicholas Marlow a Shelby Police Officer Then approached me and attacked me Bodyslamming

me onto Shopping Carts and BodySlamming me onto the floor and pulled my Head Back and Slammed my face and forehead into the floor as the other officers ran over to assist and Handcuffed me. Officer Marlow Said as the officers asked what was going on "He (Referring to "JOHNNIE") Has Some Stuff in the Bag She (Referring to "Jane Doe" Walmart employee) Signaled me over. "Jane Doe" and Nicholas Marlow saw items in my bag with tags on them and assumed they were Walmart's property and assumed that the items were stolen. When the officer Nicholas Marlow approached after "Jane Doe" signaled for him to come to get "JOHNNIE" the officer very aggressively grabbed "JOHNNIE" by the arm with one hand on "JOHNNIE" and the other on his handcuffs. Officer Nicholas Marlow said "I see the tags give me your other arm" "JOHNNIE" replied "Sir anything you see in this bag I purchased from Citi Trends two weeks ago" Officer Marlow persisted as "Jane Doe" looked on. Officer Marlow screamed in rage acting very violently I said give me your other fucking

"Darm", "Johnnie" asked Officer Nicholas Marlow "Why?" And That's when he was attacked and picked up and body-slapped repeatedly causing a chest contusion, head, neck, and back injuries, and a permanent knee injury as both knees were injured, one permanently. The officer Nicholas Marlow was white and "Jane Doe" was a native of the Dominican Republic. Neither cares for black people at all. The Walmart employee (Jane Doe) signaled the police to approach me because she assumed I was in the store shoplifting and believed I had items that belonged to Walmart. The police of the Shelby Police Dept. was hired by Walmart as security and violently assaulted and illegally detained me, handcuffed me and I was held against my will and taken into the security room. The police officers of the Shelby Police Dept. refused to allow me to speak to their sergeant and told me they had no sergeant. I was assaulted and violated in the front of the store as other customers and people looked on as they entered and exited the store. The indignity did not stop there. I was taken into

The loss prevention office To have my Luggage Searched as I Sat handcuffed and Tormented, After the Search by The Walmart store and Nicholas Marlow of the Shelby Police Department They Found that the items in my Bag had indeed Been purchased at Citi Trends Store and all Had Tags on the clothing Showing that Everything With Tags on it was from Citi Trends and Nothing in the Suitcase Was property of Walmart. Despite the fact there Was NO evidence of theft, and the police Ultimately Released Plaintiff "Johnnie" for lack of any evidence of a Theft having occurred The Walmart store employees and Police Still discriminated against the Plaintiff "Johnnie" and Still Treated him as if He Was a Criminal and Had committed a Crime, While He had done no wrong and Was Just patronizing Their Business. There Was no remorse, sympathy, empathy, NOR an apology given. Officer Nicholas Marlow Was Told By a Walmart Employee and Another Shelby Police Officer That He had to let me go Because the items "Johnnie" Had Were From cititrends. Nicholas Marlow (Shelby Police Officer) Told Plaintiff "O.K. We Are Going To let you go But We Don't Want You

"Around Here long", Plaintiff "JOHNNIE" responded asking "Why? Because you were wrong?, This is a public place I'd like to finish my Transactions" "JOHNNIE" was still Handcuffed and Being wrongfully detained. OFFicer/Defen dant Nicholas Marlow Repeated his Statement saying "O.K. Well we don't want you here long." With a very racist look and discriminative attitude. At this point the Plaintiff "JOHNNIE" Was unhandcuffed and Released. As "JOHNNIE" walked towards the exit another Shelby Police Department Officer caught up with him and said in a very threatening tone "You might want to get from around here if you don't want anything bad to happen to you, that's if you don't want anything bad to happen." "JOHNNIE" didn't say anything as he continued walking. The police officer "JOHN DOE" continued walking behind the Plaintiff while the Plaintiff was walking towards the exit. The Defendant "JOHN DOE" of the Shelby Police Department told the Plaintiff "Don't look at me like that because we will find a home for you tonight.

Plaintiff Sues Walmart employees FOR Violations OF Civil Rights, Discrimination, and Premises Liability, Plaintiff Sues for Violations of Title VI of the Civil Rights Act of 1964 42 U.S.C. § 2000D et seq., 42 U.S.C. Section 1983, fourth, 8th, Fourteenth Amendments, 34 U.S.C. § 12601, and False imprisonment. Plaintiff Was guaranteed a 'Mirage' by Walmart's Slogan, Which States for employees to "Come and Shop in A Safe Environment." While "Johnnie Was Patronizing Walmart and Rolling A Large 4 wheel Suitcase purchased at the same Walmart of Defendants store No. 1034 BEFORE Travelling, Simply Going to Pick Up A Money Transfer, Book A TRIP, Have lunch in the store at the Restaurant, Subway and Leave To make A TRIP for personal Reasons, OF A Family Emergency. Walmart Was Negligent and Did Just the Opposite by discriminating Against Plaintiffs Race and assuming That he Was Stealing and Creating an Very Unsafe environment. Walmart is VERY Popular With intense acts of harassment and Discrimination, Plaintiff Sues Defendants Walmart Inc., JOHN DOE (manager ignored complaint and plaintiff filed several complaints with Walmart Ethics Hotline which were all ignored) When plaintiff told Walmart employees (Police were Hired By Walmart FOR Security) The Items he had in His

8 Personal Belongings Were PURchased at Citi Trends, The Defendants Could have Verified it by OBSERVATION and Prevented Giving The innocent Shopper (Plaintiff) A Brutal Beating BodySlamming Him onto Hard large Metal and iRON Shopping Carts and Then the Hard Walm - art FLOOR Then intentionally pulling his head Back While He (Plaintiff) was already on the FLOOR WITH (Plain tiffs) his hands Behind his Back. Walmart employee and Shelby Police OFFicer Nicholas Marlow, Pulled Plaintiff ("Johnnie")'s head Back and Slammed it to the FLOOR. Plaintiff spent OVER \$100 PURchasing the Suit - case, the Lunch, Loadable-Credit/Debit CaRD etc. And Was Violated, Discriminated against Not Being ABLE to Be treated the Same as A Regular U.S. Citizen. Plaintiff Gave a Polite explanation of His Belongings and Was Not even given the Benefit of the Doubt and, OR Check the Clothing Task which They Were Welcomed To. The Plaintiff "JOHNIE" Never Resisted The defendants as His Rights Were Violated, Walmart Failed to uphold it's policy and Do it's duty in it's policy and aggrement To provide A Safe Enviroment and in this Case

Plaintiff also seeks relief for premises liability  
that defendants Walmart, Walmart Inc. possess.

Plaintiff sues for violation of

for racial discrimination, false arrest, breach of cont.

- fact and warranty, intentional infliction of emotional

- distress, negligence and negligence per se.

Plaintiff asks for a jury trial

### Parties II.

1. Plaintiff Johnnie Simmons is a Virginia resident.

2. Defendant Walmart Inc. 705 E. Dixon Blvd Shelby  
N.C. 28152 is a North Carolina company located in Cleveland County, N.C. 28152. It may be served through its  
authorized corporate office/agent (authorized) and to  
the store manager at the Dickson Dixon Blvd (705 E.). And  
or any corporate office that represents this Walmart,  
and its owners, the Waltons and all that apply, also the  
corporate office in Bentonville, Arizona, 702 SW 8th  
St. Bentonville, AR 72716, and Doug McMillon President  
and CEO Walmart, at 702 SW 8th Street, Bentonville, AR  
- has 72716. In 2018 for the color of his skin Plaintiff

was beaten and not allowed to shop like the days of the Civil

Rights movement. Jane Doe. JOHN DOE Walmart employee  
Managers identities are presently UNKNOWN OR PARTIAL.  
UNKNOWN AS STORE Manager "David" (Defendant) of Wal-  
-mart Store No. 1034 705 E. Dixon Blvd, Shelby, N.C.

### III

Defendants might also be actionable as disparaging Plaintiff's integrity and honor, as well as per se defamatory in that they accused Plaintiff of engaging in a criminal act.

### Jurisdiction and Venue

This court has Federal Question and diversity jurisdiction over the claims in this suit. The Plaintiff was discriminated against and injured on Walmart's property in Cleveland County that gives this court jurisdiction in the United States District Court / Western District of North Carolina, Asheville division.

Ultimately, the claims and damages asserted herein are within the court's jurisdictional limits, and all conditions precedent, if any, to bring claims asserted in this suit have occurred and/or have been performed.

### IV.

"Walmart is A Large Enterprise That is Global and is One of The most Dominant Chains of Business in the World (Simmons) "Johnnie" Who is the plaintiff and Pro Se Litigant in this case and lawsuit vs. Walmart Inc. Was A Great customer Whose Civil and Constitutional Rights Were Violated By These Walmart Employees. Walmart Promotes in it's commercials and adds that All Are Welcome To Come and Shop in A Nice clean And Safe environment and That you Can feel Safe and Shop. Jane Doe, John Doe, (Walmart Employees), And Shelby Police Officer Nicholas Marlow who was hired By Walmart on the night of this attack/incident, knowingly, intentionally, and purposefully racially profiled Plaintiff as a thief and would not give him the respect to be a person of dignity and prove he only possessed his own belongings. Instead the defendants profiled, singled the plaintiff/pro se "Johnnie" out and accused him of stealing and beat him up and left him with injuries resulting in one permanent injury in his right knee. The role race played in what happened

1<sup>st</sup> will become more apparent when the following facts are considered. Nicholas Marlow of the Shelby Police department was hired by Walmart for security and he singled out the plaintiff/ "Johnnie" (Pro'se litigant) Walmart employee "Jane Doe" called police on Simmons plaintiff "Johnnie" being from a country in the Dominican Republic where they dislike Black people and think they are better than Black people. Nicholas Marlow a former Shelby police officer/Walmart employee was a White Caucasian man who was very rude and violent and acted in a racist manner assuming the plaintiff was a Black man in Walmart stealing and didn't think he deserved the respect of civil rights and not to be discriminated against like a normal citizen. Defendant Nicholas Marlow even after he saw plaintiff was innocent and had been falsely arrested and detained illegally, and beaten for nothing told plaintiff to leave the store he and the Walmart employees didn't want plaintiff there long, John Doe instead of apologizing to plaintiff threatened "Johnnie" pro'se plaintiff and told him to "leave the area if he did not want anything bad to happen to him" in a frightening tone.

The offensive conduct alleged in this complaint occurred on November 23, 2018, at Walmart store 1034 at 705 E. Dixon Blvd. in Shelby, N.C. located in Cleveland Co. N.C. After the false arrest, discrimination, assault and battery, illegally being detained, and threats and intimidation plaintiff/pro'se litigant "Johnnie" left without incident while being followed and harassed closely by John Doe defendant/Walmart employee Shelby Police.

### Cause of action - 42 U.S.C. § 1981

1. The above allegations are incorporated herein by reference,
2. Defendants intentionally and consciously engaged in the aforementioned conduct based on the race of plaintiff in violation of 42 U.S.C. § 1981
3. Plaintiff is a member of a racial minority, There was an intent to discriminate against the plaintiff/pro'se "Johnnie" on the basis of race by defendants and the discrimination concerns one or more of the activities enumerated, but not limited to, the right to be treated equal and as normal law abiding citizens

Without prejudice due to Race, Color, or Creed, and  
Not to be subjected to discrimination in the United  
States of America and to be entitled to civil rights  
as human beings. Plaintiff was discriminated against  
for nothing wrong he did he was racially targeted and  
profiled and prevented from carrying out business  
at Walmart as was afforded white customers under  
the same or similar circumstances at Walmart.

Defendants intentionally and/or consciously was rude  
and threatened plaintiff and told him "Johnnie" They did  
not want him in the Walmart store 1034 on Dixon Blvd  
The Walmart employees were not trained properly  
obviously by manager David of store 1034 and could  
have gotten the plaintiff killed if the officer had shot  
him or gave him a traumatic head injury from his  
actions and Walmart employees assumptions. Nicholas  
Marlow Shelby police officer was terminated for  
the incident with plaintiff and is no longer a police  
officer for the Shelby Police Department in Shelby,  
N.C. for his actions he committed while in uniform  
working as security for Walmart on Nov. 23, 2018

1. Each and Every allegation Contained in the foregoing Paragraphs is re-alleged as if fully Re-WRitten Here -in.
2. Defendants engaged in UNConscionable and Reprehensible Conduct by Way of their actions, policies and practices, and Walmart is Directly or Vicariously liable for the UNConscionable Conduct of Employee -S for the Racial discrimination detailed above.

#### Cause of Action Negligence

1. Each and every allegation Contained in the foregoing Paragraphed is re-alleged as if fully rewRitten herein.
2. Plaintiff has concerns that Defendants owed a legal duty to Plaintiff to have a reasonable suspicion Plaintiff "Johnnie" had engaged in a criminal act before calling the police to detain or arrest the Plaintiff, which duty they breached by calling the police on the Plaintiff to falsely alert them assuming "Johnnie" pro se Plaintiff was stealing or had stolen Walmart's property, having Plaintiff handcuffed and searched, and parading Plaintiff through the front of the Walmart

"Store after Beating Plaintiff up and INJURING HIM, ASthough He was a Thief assassinating His Character And TOTALLY disregarding his Dignity, Privacy, Rights, and PRIDE. Defendants Were Negligent in Detaining Plaintiff Without cause, Failing to provide Reasons that were legitimate FOR the detention and Showing Plaintiff off in the Store as a Common Criminal OR Thief, Which He is not. Such Conduct PROXIMATELY, and Physically Caused Damages and injuries to Plaintiff.

### Cause of Action - Negligence Per Se

Each and every Allegation Contained in the foregoing Paragraphs is Realleged as if Fully Rewritten Herein. Defendants' Negligence Constituted Per Se negligence as they Violated NORTH Carolina Penal Code by intentionally and knowingly restraining Plaintiff Without legal OR Just Cause inside the Walmart Store. This injustice resulting in personal INJURY, DISCRIMINATION, Threats and HARRASSMENT, and VIOLATION of CIVIL RIGHTS Resulted in plaintiffs PERSONAL INJURY, PERMANENT INJURY, and MIGRAINE HEADACHES, and P.T.S.D. Causing Nightmares and SEVERE EMOTIONAL DISTRESS and

TURMOIL IN plaintiFF's life, plaintiFF suffers from dep-  
ression, uncontrollable crying and fear of going  
to some public places as a result of being a victim  
of this violent and disruptive behavior and treatment;  
and racial profiling conduct by defendants. Defendants  
falsely imprisoned plaintiFF for the time period  
when he could not leave the store and was made  
to stay in the store without legal or just cause.  
Defendants violated their duty to exercise ordinary  
care and obey North Carolina laws.

### Cause of Action - Gross Negligence

Each and every allegation contained in the fore-  
going paragraphs is re-alleged as if fully rewritten  
herein. Defendants conduct involved an extreme  
degree of risk, considering the probability and  
magnitude of the potential harm to others. Officers  
could have mistaken the situation and as a Black  
man, plaintiFF could have been shot, and plaintiFF was  
permanently injured and disfigured and cannot  
get up as he normally could when he sits down;  
plaintiFF's leg now locks up when in bed and he has  
it extended and it takes a while to unextend it.

Plaintiff ended up walking on it lame for months in Virginia while incarcerated at Hampton Roads Regional Jail and was treated for migraines at Hampton Roads Regional Jail and treated for migraines and back and neck injuries at Sloane Chiropractic clinic on Granby Street in Norfolk, VA. Also, Plaintiff was taken by ambulance to Charlotte Medical Center after the incident when he "Johnnie" arrived in Charlotte for a chest contusion and other injuries. The next morning approximately 6 AM Plaintiff was treated for pain and injuries sustained at V.C.U. Medical Center upon arrival in Richmond, Virginia, because of the Defendants actions. Defendants had subjective awareness of the risk involved, and consciously and deliberately proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff/pro'se litigant "Johnnie."

Cause of Action - Intentional Infliction  
of Emotional distress

Each and every allegation contained in the foregoing paragraphs is realleged as if fully rewritten

11) Herein.

Defendants acted intentionally and/or Recklessly. Defendants Conduct towards Plaintiff was extreme and Outrageous, and consisted of a Barbarous act of Rage and Violence. Defendants profiling led to this Negligence, and Discriminating against a Black Customer accusing Him of Stealing While He Was peacefully Shopping and Trying to Handle Business and Patronize Walmart Inc's Establishment. Defendants conduct Towards Plaintiff caused the Plaintiff Severe emotional distress and mental anguish.

#### Jury Demand And Request for Attorney Fees

Plaintiff Demands a JURY TRIAL and Request Attorney fees if permitted by law in The State of North Carolina, OR equity.

#### Prayer For Relief

FOR the above Reasons Plaintiff ASKS that Defendants be Cited to appear and answer herein, and That upon TRIAL on the merits, Plaintiff be awarded

Compensatory and Punitive damages as alleged and/or proved at trial, together with attorney fees, if allowed, pre-and post-judgement interest at the maximum lawful rate, costs of court and other and further relief, at law or in equity, to which Plaintiff may be justly entitled. Plaintiff asks for relief and reward of no less than \$5 million.

Respectfully Submitted,  
October 20, 2021

JOHNNIE R. SIMMONS JR.  
Johnnie R. Simmons Jr.  
Pro Se Litigant for Plaintiff

JOHNNIE R. SIMMONS JR.  
5764 S. Ottawa Rd.  
Virginia Beach, VA. 23462  
5764 S. Ottawa Rd.  
VA. Beach, VA. 23462